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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,062	04/20/2000	Richard R. Reisman	RRR-00-007US	5601
181	7590	03/27/2006	EXAMINER	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			PEYTON, TAMMARA R	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

<b>Office Action Summary</b>	Application No. 09/556,062	Applicant(s) REISMAN, RICHARD R.	
	Examiner Tammara R Peyton	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 116-175 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 116-175 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

The Examiner is hereby vacates the last Office Action dated 6/29/05 in lieu of the following Restriction.

### **Election/Restrictions**

Restriction to one of the following inventions is requirement under 35 U.S.C. 121:

I. Claims 116-139, drawn to providing a first portable storage medium, the first portable storage medium including first fixed content and computer executable software; wherein when the first portable storage medium is used at the user station, *the computer executable software can be installed on the user station to (i) enable a user at the user station to access first remote content from a first remote content source, the first remote content relating to the first fixed content and (ii) enable the use to access second remote content from a second remote content source, the second remote content relating to second fixed content, the second fixed content being different from the first fixed content, and the second fixed content being included on a second portable storage, classified in class 709, subclass 201.*

II. Claims 140-151, drawn to processor executes the programmed logic to enable a user at the user station to access, via the user interface, fixed content from each of a plurality of portable storage media together with respective remote content from one or more remote content sources, and wherein, for each of the plurality of portage storage media, the user interface is customized with respect to the fixed content stored on the

Art Unit: 2182

portable storage medium when the user access the fixed content stored on the storage medium, classified in class 709, subclass 219.

III. Claims 152-175, drawn to Internet via a server-based update distribution service, providing on a first portable storage medium a first computer executable software application that can be executed on the client computer; and providing on the first portable storage medium computer executable software that can be transferred to the client computer to (i) *enable the client computer to obtain over the Internet via the server-based update distribution service an update for the first computer executable software application, the update for the first computer executable software application being selected at the client computer, and (ii) enable the client computer to obtain over the Internet via the server-based update distribution service an update for a second computer executable software application on the client computer, the second computer executable software application being different from the first computer executable software application, and the update for the second computer executable software application being selected at the client computer, classified in class 707, subclass 203 or class 709, subclass 203.*

Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has separate utility such as *"via the user interface, fixed content from each of a plurality of portable storage media together with respective remote content from one or more remote content*

Art Unit: 2182

*sources, and wherein, for each of the plurality of portage storage media, the user interface is customized with respect to the fixed content stored on the portable storage medium when the user access the fixed content stored on the storage medium” and Invention III has a separate utility such as “enable the client computer to obtain over the Internet via the server-based update distribution service an update for the first computer executable software application, the update for the first computer executable software application being selected at the client computer, and (ii) enable the client computer to obtain over the Internet via the server-based update distribution service an update for a second computer executable software application on the client computer” See MPEP j 806.05(d).*

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Kim Huynh can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Art Unit: 2182

Commissioner of Patents and Trademarks

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Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

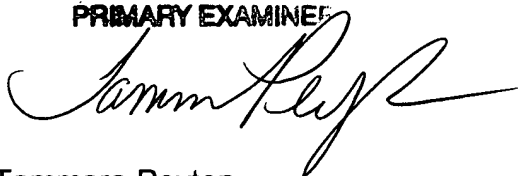
Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

**TAMMARA PEYTON**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script, appearing to read 'Tammara Peyton', written over the printed name and title.

Tammara Peyton

March 17, 2006